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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,633	10/16/2003	Eric Wisniewski	Q75615	4950
23373	7590	06/16/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			NGUYEN, KHAI MINH	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/609,633	<b>Applicant(s)</b> WISNIEWSKI ET AL.	
	<b>Examiner</b> Khai M Nguyen	<b>Art Unit</b> 2687	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/1/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The references listed in the Information Disclosure Statement filed on July 1, 2003 have been considered by the examiner (see attached PTO-1449 or PTO/SB/08A and 08B forms).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Niklasson (U.S.Pub-20030179772).

Regarding claim 1, Niklasson teaches method for providing service management to network elements of a cellular communication network (fig.1, paragraph 0022, element 1, *first communication network 1 is a mobile telephone network*), said network elements communicating with an Operation and Maintenance Center of said cellular communication network by sending data having a data exchange format (paragraph 0004-0005), said data exchanged format being translated in an Operation and Maintenance Center specific data format at a mediation server (paragraph 0004-0006), wherein said method comprises the steps of:

identifying at said mediation server a change in said used data exchange format (fig.1, element 510, paragraph 0010-0011, 0034, *transmitting the converted information to a particular service processing unit and processing the information in a predetermine manner*),

dynamically switching from an old data exchange format to said new identified data exchange format (fig.1, element 510, paragraph 0007, 0010-0011, 0034, *transmitting the converted information to a particular service processing unit and processing the information in a predetermine manner, converting the processed information in a format of a target communication network as well as switching and transmitting the information to the target communication network*)

Regarding claim 2, Niklasson teaches method according to claim 1, wherein it further comprises the steps of:

representing said data exchange format in an object oriented programming (fig.1, paragraph 0034, 0035), of said data exchange format being represented by a class (fig.1, paragraph 0034-0035);

using the feature "class dynamic upload" of the Java programming language to switch from an old data exchange format to a new identified data exchange format (paragraph 0006, 0011, 0034, 0079, *transmitting the converted information to a particular service processing unit and processing the information in a predetermine manner, converting the processed information in a format of a target communication network as well as switching and transmitting the information to the target communication network*).

Regarding claim 3, Niklasson teaches method according to claim 1, wherein it comprises a step of:

selecting one out of a plurality of mediation servers for handling information from a network element according to a predefined load balancing policy (fig.1, paragraph 0034-0035).

Regarding claim 4, Niklasson teaches method according to claim 1, wherein said data exchanged between said network element and said Operation and Maintenance

Center (?consist?) in new software version download from the Operation and Maintenance Center to said network element (paragraph 0006-0008).

Regarding claim 5, Niklasson teaches mediation server to be used for translating a data exchange format used by a network element of a cellular communication network to a Operation and Maintenance Center specific data format (fig.1, paragraph 0004-0006, 0022, element 1, *first communication network 1 is a mobile telephone network*); wherein said mediation server comprises:

means for identifying a change in said used data exchange format (fig.1, element 510, paragraph 0010-0011, 0034, *transmitting the converted information to a particular service processing unit and processing the information in a predetermine manner*);

means for dynamically switching from an old data exchange format to said new identified data exchange format (fig.1, element 510, paragraph 0007, 0010-0011, 0034, *transmitting the converted information to a particular service processing unit and processing the information in a predetermine manner, converting the processed information in a format of a target communication network as well as switching and transmitting the information to the target communication network*).

Regarding claim 6, Niklasson teaches mediation server according to claim 5, wherein said means for dynamically switching from an old data exchange format to said

new identified data exchange format further uses the feature "class dynamic loading" of the Java programming language (paragraph 0006, 0011, 0034, 0079, *transmitting the converted information to a particular service processing unit and processing the information in a predetermine manner, converting the processed information in a format of a target communication network as well as switching and transmitting the information to the target communication network*).

Regarding claim 7, Niklasson teaches mediation server according to claim 5, wherein it is a software component part of an Operation and Maintenance Center (fig.1, element 510, paragraph 0039-0041, 0079).

Regarding claim 8, Niklasson teaches mediation server according to claim 5, wherein it is a software component on a standalone device connectable to an Operation and Maintenance Center (fig.1, abstract, paragraph 0022, 0034, *different networks can be provide for respective exchange of various type of speech-associated or non speech-associated information, which likewise can be connected with a system 700*).

#### ***Citation of pertinent Prior Art***

4. This prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Demello et al.** (U.S.Pub-20010036224) discloses System and method for the delivery of targeted data over wireless networks.

**Malan et al.** (U.S.Pub-20020032871) discloses Method and system for detecting, tracking and blocking denial of service attacks over a computer network.

**Hamberg et al.** (U.S.Pub-20020019830) discloses System and method for the optimization of data collection.

**Khoyi et al.** (U.S.Pat-5634124) discloses Data integration by object management.

**Peacock** (U.S.Pat-6868451) discloses Data exchange between a handheld device and another computer system using an exchange manager via synchronization.

**Balabhadrapatruni et al.** (U.S.Pub-20020194083) discloses System and method for network service provisioning.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen  
Au: 2687

5/28/2005

  
6/13/05  
LESTER G. KINCAID  
PRIMARY EXAMINER